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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,520	09/12/2003	Louis Borgeat	16046-1US-2 IC/ DP/mft	5300
20988	7590	09/21/2005	EXAMINER	
OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			ARK, DARREN W	
			ART UNIT	PAPER NUMBER
			3643	
DATE MAILED: 09/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/660,520		BORGAT, LOUIS	
	Examiner		Art Unit	
	Darren W. Ark		3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 7, 9-15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Efantis 5,210,971.

Efantis discloses a rod shaft (82) with a rod shaft reel seat (14; reel seat is not particularly claimed); a hollow cylinder (12) with a cavity (50) and a cylinder mounting foot (60 or 62 of 54) protruding outwardly from an outer surface of the cylinder (64) which is releasably engaged with the rod shaft reel seat (engaged with 14 via respective engaging side surfaces and 40, 70); and a reel and reel seat assembly (see Fig. 11 for rod and reel combination), at least a portion of the auxiliary reel seat being releasably and slidably inserted into the cavity of the hollow cylinder (when rod and reel is inserted into 12, a part of the reel seat will be located in the cylinder since notch 54 is adapted to engage the leg portion between the foot and reel of a conventionally configured fishing reel) with the reel extending outwardly therefrom.

In regard to claims 2 and 6, Efantis discloses an L-shaped insertion opening (54) that has a longitudinal portion and a transverse portion (see Fig. 2; shape not particularly claimed).

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In regard to claim 4, Efantis discloses a resilient means (upper surface 76 of plug 54 which is formed of molded plastic material [resilient material]) disposed inside the hollow cylinder closed end.

In regard to claim 9, Efantis discloses the cylinder mounting foot (62) secured to the rod shaft reel seat (14) by frictional contact with at least one ring (68 or washer in Fig. 2) and at least one locking fastener (68 or 70).

In regard to claim 10, Efantis discloses the rod shaft with a tip end (at head of 82; see bottom of Fig. 1), a rear end (at 84), and a handgrip (trapezoidal portion above 82), the rod shaft reel seat being mounted to the rod shaft rearwardly of the handgrip (via 84 and bottom of 14).

3. Claims 1, 2, 6, 7, 9-15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hurner 5,184,797.

Hurner discloses discloses a rod shaft (metal arm of 44) with a rod shaft reel seat (metal plate with through hole of 44; reel seat is not particularly claimed); a hollow cylinder (12) with a cavity and a cylinder mounting foot (threaded fastener with wing nut thereon; see Fig. 2) protruding outwardly from an outer surface of the cylinder (lower surface of 12) which is releasably engaged with the rod shaft reel seat (engaged with metal plate of 44); and a reel and reel seat assembly (6, 7), at least a portion of the auxiliary reel seat being releasably and slidably inserted into the cavity of the hollow cylinder (see Fig. 1) with the reel extending outwardly therefrom.

In regard to claims 2 and 6, Hurner discloses an L-shaped insertion opening (18, 24) that has a longitudinal portion (18) and a transverse portion (24; see Fig. 1).

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In regard to claim 9, Hurner discloses the cylinder mounting foot (threaded fastener from 12) secured to the rod shaft reel seat (metal plate of 44) by frictional contact with at least one ring (defined by aperture in plate of 44) and at least one locking fastener (wing nut).

In regard to claim 10, Hurner discloses the rod shaft with a tip end (lowest part of arm of 44 below 26 in Fig. 1), a rear end (upper part of arm 44), and a handgrip (26), the rod shaft reel seat being mounted to the rod shaft rearwardly of the handgrip (see Fig. 1).

4. Claims 1, 9-15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Shaw 5,115,598.

Shaw discloses a rod shaft (3) with a rod shaft reel seat (horizontal portion of 51; reel seat is not particularly claimed); a hollow cylinder (5) with a cavity and a cylinder mounting foot (52; see Fig. 6) protruding outwardly from an outer surface of the cylinder (lower surface of 53) which is releasably engaged with the rod shaft reel seat (engaged with 51 via 54); and a reel and reel seat assembly (4), at least a portion of the auxiliary reel seat being releasably and slidably inserted into the cavity of the hollow cylinder (see Fig. 7) with the reel extending outwardly therefrom.

In regard to claim 9, Shaw discloses the cylinder mounting foot (52) secured to the rod shaft reel seat (horizontal portion of 51) by frictional contact with at least one ring (defined by 51) and at least one locking fastener (54).

In regard to claim 10, Shaw discloses the rod shaft with a tip end (toward 1), a rear end (leftmost end of 3 in Fig. 6), and a handgrip (clamps), the rod shaft reel seat being mounted to the rod shaft rearwardly of the handgrip (see Fig. 6).

5. Claims 1, 2, 6, 7, 9-15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Roberts 4,827,654.

Roberts discloses a rod shaft (36) with a rod shaft reel seat (38; reel seat is not particularly claimed); a hollow cylinder (12) with a cavity and a cylinder mounting foot (30) protruding outwardly from an outer surface of the cylinder (12) which is releasably engaged with the rod shaft reel seat (engaged with 38 via 34, 44, 45, 32, 40); and a reel and reel seat assembly (64, 66), at least a portion of the auxiliary reel seat being releasably and slidably inserted into the cavity of the hollow cylinder (see Figs. 2, 3) with the reel extending outwardly therefrom.

In regard to claims 2 and 6, Roberts discloses an L-shaped insertion opening (22, 24, 26) that has a longitudinal portion and a transverse portion (see Fig. 1; shape not particularly claimed).

In regard to claim 9, Roberts discloses the cylinder mounting foot (30) secured to the rod shaft reel seat (38) by frictional contact with at least one ring (44, 32, 40) and at least one locking fastener (45, 34).

In regard to claim 10, Roberts discloses the rod shaft with a tip end (52), a rear end (top of 38 in Fig. 1), and a handgrip (48), the rod shaft reel seat being mounted to the rod shaft rearwardly of the handgrip (see Fig. 1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hurner 5,184,797.

Hurner does not disclose the cylinder made of plastic or metal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the cylinder out of plastic or metal, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice, and because plastic and metal are durable materials that can withstand a rough usage environment. *In re Leshin*, 125 USPQ 416.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw 5,115,598.

Shaw does not disclose the cylinder made of plastic or metal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the cylinder out of plastic or metal, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice, and because plastic and

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metal are durable materials that can withstand a rough usage environment. *In re Leshin*, 125 USPQ 416.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts 4,827,654.

Roberts does not disclose the cylinder made of plastic or metal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the cylinder out of plastic or metal, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice, and because plastic and metal are durable materials that can withstand a rough usage environment. *In re Leshin*, 125 USPQ 416.

Allowable Subject Matter

10. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ellington 6,029,872 discloses a cylinder (10) with an insertion opening (12), wherein a reel of a rod and reel combination (see Figs. 3, 4) extends outwardly from the insertion opening (also see col. 1, lines 43-49, esp. lines 45-47);


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Resnick 5,052,146 discloses a cylinder (10) with an insertion opening (18), wherein a reel (30, 32) of a rod and reel combination (26, 32) extends outwardly from the insertion opening (see Fig. 5).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Darren W. Ark
Primary Examiner
Art Unit 3643

DWA